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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,558	03/31/2000	Alan H. Karp	10992073	9395

22879 7590 11/15/2004

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,558

Applicant(s)

KARP ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT-Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 10/15/2004 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/539,558 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claims 1-20 have been cancelled and Claims 50-55 have been added; therefore, Claims 21-55 are pending in application 09/539,558.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 21-55 are rejected under 35 U.S.C. 103(a) as being obvious over Lumeria**

(www.lumeria.com, Obtained from the Internet archive Wayback Machine,

<www.archive.org>, Date Range: 8/23/1999-3/4/2000) in view of Burson (US

6,405,245 B1).

5. As per **independent Claims 21 and 34**, Lumeria discloses a method (system) for selling personal information of an owner(s) to a requestor via the Internet comprising: obtaining

the personal information of the owner, providing the personal information to a trusted party by the information source after authorization by the owner; providing the personal information to a requestor by the trusted party based on a sale policy that is controlled by the owner; providing payment to the trusted party from the requestor; and providing compensation to the owner from the trusted party (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

6. Lumeria fails to expressly disclose wherein the information source may be any user of the Internet; providing the personal information to a trusted party by the information source after authorization by the owner, wherein the trusted party is different from the owner.
7. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from user specified/authorized sites (Fig.5, C4 L29-65, C5 L3-21, C7 L2-17, C16 L7-14).
8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the information source may be any user of the Internet; providing the personal information to a trusted party by the information source after authorization by the owner, wherein the trusted party is different from the owner, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.
9. As per Claim 22, Lumeria and Burson disclose wherein the trusted party and the information source are the same entity.

10. As per Claim 23, Lumeria and Burson disclose specifying the sale policy by the owner.
11. As per Claims 24 and 35, Lumeria and Burson disclose specifying attributes required of a requestor in order to receive the personal information.
12. As per Claims 25 and 36, Lumeria and Burson disclose specifying exclusions related to the sale of the personal information.
13. As per Claims 26 and 37, Lumeria and Burson disclose specifying cost of the personal information by the owner, and wherein the providing the personal information to a requestor comprises selectively providing the validated personal information based upon the cost.
14. As per Claims 27 and 38, Lumeria and Burson disclose assessing the cost to a requestor submitting the request.
15. As per Claims 28 and 39, Lumeria and Burson disclose crediting a least a portion of the cost to the owner.
16. As per Claim 29, Lumeria and Burson disclose crediting an account associated with the owner.
17. As per Claims 30 and 40, Lumeria and Burson disclose obtaining information related to credit card purchases, shopping habits, web browsing habits, assets, or finances of the owner.
18. As per Claims 31 and 41, Lumeria and Burson disclose recording an indication of electronic purchases by the owner.
19. As per Claims 32 and 49, Lumeria and Burson fail to expressly disclose enabling the requestor to decline receipt of the personal information based upon a cost of the personal

information; and wherein providing the personal information to the requestor comprises providing the personal information to the requestor if the requestor has not declined receipt of the personal information.

20. However, Lumeria does teach that the user (information owner) has the right to collectively bargain collective and individual personal information processing privileges in exchange for value (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included enabling the requestor to decline receipt of the personal information based upon a cost of the personal information in the system disclosed by Lumeria, for the advantage of providing a method for selling personal information, which gives the buyer bargaining power to decide whether to purchase the personal information or not based on the seller's price.

22. As per Claim 33, Lumeria and Burson disclose receiving a request to search for a particular owner having personal information for sale by the trusted party.

23. As per **independent Claims 42 and 53**, Lumeria discloses a method comprising: providing, by the owner, personal information to the trusted party; providing the personal information to the requestor by the trusted party based on a sale policy that is controllable by the owner; providing payment to the trusted party from the requestor; and providing compensation to the owner from the trusted party (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

24. Lumeria fails to expressly disclose providing (designating), by the owner, a specific identity of an authorized information source to a trusted party; contacting, by the trusted

party, the authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner.

25. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from user specified/authorized sites (Fig.5, C4 L29-65, C5 L3-21, C7 L2-17, C16 L7-14).

26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included providing (designating), by the owner, a specific identity of an authorized information source to a trusted party; contacting, by the trusted party, the authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.

27. As per Claim 43, Lumeria and Burson disclose specifying the sale policy by the owner.

28. As per Claim 44, Lumeria and Burson disclose specifying attributes required of a requestor in order to receive the personal information.

29. As per Claim 45, Lumeria and Burson disclose specifying exclusions related to the sale of the personal information.

30. As per Claim 46, Lumeria and Burson disclose specifying cost of the personal information by the owner, and wherein the providing the personal information to a requestor comprises selectively providing the validated personal information based upon the cost.
31. As per Claim 47, Lumeria and Burson disclose assessing the cost to a requestor submitting the request.
32. As per Claim 48, Lumeria and Burson disclose obtaining information related to credit card purchases, shopping habits, web browsing habits, assets, or finances of the owner.
33. As per Claims 50, Lumeria and *Burson* disclose tracking, by the information source behavior of an owner, thereby gathering personal information about the owner.
34. As per Claim 51, Lumeria and Burson disclose wherein designating, by the owner, an authorized information source comprises providing an identification of the information source.
35. As per Claim 52, Lumeria and Burson disclose wherein the trusted party can be an entity other than the owner with the capability to validate the personal information.
36. As per **independent Claims 54 and 55**, Lumeria discloses a method comprising providing personal information to the trusted party by an authorized information source; providing the personal information to the requestor by the trusted party based on a sale policy that is controllable by the owner; providing payment to the trusted party from the requestor; and providing compensation to the owner from the trusted party
(www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

37. Lumeria fails to expressly disclose designating, by the owner, an authorized information source to a trusted party, wherein the trusted party and the information source are different entities that do not belong to a common internet community; (tracking, by the information source, behavior of an owner, thereby gathering personal information about the owner;) contacting, by the trusted party, the authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner.
38. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from user specified/authorized sites (Fig.5, C4 L29-65, C5 L3-21, C7 L2-17, C16 L7-14).
39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included designating, by the owner, an authorized information source to a trusted party, wherein the trusted party and the information source are different entities that do not belong to a common internet community; (tracking, by the information source, behavior of an owner, thereby gathering personal information about the owner;) contacting, by the trusted party, the authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an

owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.

Response to Arguments


40. Applicant's arguments with respect to Claims 21-55 have been considered have been fully considered, but are moot in view of the new ground(s) of rejection.

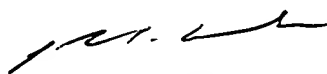
Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
42. Additional Non-Patent Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
44. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

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45. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


November 9, 2004


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600